

ARTICLE 2.00 LANGUAGE AND DEFINITIONS

02.01 Rules for Construction of Language

In the construction of this Ordinance, the rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise:

02.01.010 The particular shall control the general.

02.01.020 The word “shall” is always mandatory and not discretionary.

02.01.030 The word “may” is permissive.

02.01.040 The word “lot” shall include the words “piece” or “parcel”.

02.01.050 The word “structure” includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.

02.01.060 In the case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration or table the text shall control.

02.01.070 The word “permitted” or words “permitted as of right”, means permitted without meeting the requirements for a conditional use permit.

02.01.080 The words “conditionally permitted” or “permitted by conditional use permit” means permitted subject to the requirements for a conditional use by special permit pursuant to Article 11.00, Chapter 6 of this Ordinance, and all other applicable provisions.

02.01.090 Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

02.01.100 Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

- A. “And indicates that all connected items, conditions, provisions or events shall apply.
- B. “or” indicates that the connected items, conditions, provisions or events shall apply.

C. “Either . . . or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

02.01.110 All public officials, bodies, and agencies to which reference is made are those of the City of Gallatin, Tennessee.

02.01.120 Any conflict between one section of this Ordinance and another section of the Ordinance shall be resolved in favor of the more restrictive provision.

02.02 Definitions

Except where definitions are specifically included in various articles and sections, words in the text or tables of this Ordinance shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

Accessory - An activity or structure that is customarily associated with and is appropriately incidental and subordinate to a principal activity and/or structure and located on the same zone lot, except as provided for under the provisions of accessory off-street parking.

Activity - The performance of a function or operation which constitutes the use of land.

Adult Bookstore - An establishment having as a substantial or significant portion of its stock in trade books, magazines, and other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in Adult Entertainment, for observation by patrons therein.

Adult Entertainment

1. Specified Anatomical Areas: Less than completely and opaquely covered: (a) Human genitals, pubic region; (b) Buttock; (c) Female breasts below a point immediately above the top of the areola; or (d) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
2. Specified Sexual Activities: (a) Human genitals in a state of sexual stimulation or arousal; (b) Acts of human masturbation, sexual intercourse or sodomy; or (c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Adult Entertainment Center - An enclosed building or part of an enclosed building, no portion of which enclosed building is licensed to sell liquor, that permits a customer to view a live person unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic

hair, anus, cleft of the buttocks, vulva or genitals, or that charges any admission or fee for the viewing of any such activity.

Adult Mini-Motion Picture Theater - An enclosed building with a capacity for less than fifty (50) persons used for presenting material that is distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in Adult Entertainment, for observation by patrons therein.

Adult Motion Picture Theater - An enclosed building with a capacity for fifty (50) or more persons used for presenting material that is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in Adult Entertainment, for observation by patrons therein.

Alley - A public way intended to provide only secondary vehicular access to abutting properties.

Assisted Living Facility - A residential group home for senior adults that need help with activities of daily living such as meals, medication, grooming, in order to maintain the whole person.

Attached - Joined together by party wall(s).

Basement - A story whose floor is more than twelve (12) inches, but not more than one-half (1/2) of its story height, below the average level of the adjoining ground (as distinguished from a “cellar” which is a story more than one-half (1/2) below such level).

Bed and Breakfast Home - A residential home that offers overnight accommodations for travelers with breakfast as the only meal and having less than four units.

Billboard – A billboard is an off-premises sign that is affixed to or erected upon a freestanding framework that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Buffering - Shall be located around the perimeter of the site to minimize the off-site impact of headlight glare, noise, light from structures and open areas, and the movement of people and vehicles. Buffering may consist of berms, fencing, evergreens, shrubs, bushes, deciduous trees or combinations thereof to achieve the stated objective. Type of buffering with height shall be stated on the site plan for approval by the planning commission.

Bufferyard - A designated unit of yard or open area together with any plant materials, barriers, or berms required thereon.

Building - A structure with a roof, intended for the shelter or enclosure of persons or property. Where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be considered a separate building.

Bulk - Describes the size of buildings or other structures, and their relationship to each other and to open areas and lot lines, and therefore includes:

- A. The size (including height and floor area) or other structures,
- B. The area of the zoning lot upon which a residential building is located, and the number of dwelling units within such buildings in relation to the area of the zoning lot,
- C. The location of exterior walls of buildings or structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other structures, and
- D. All open areas relating to buildings or other structures and their relationship thereto.

Cellar - (See Basement)

Common Open Space - A parcel or parcels of land and/or an area of water within the site designated as a planned unit development or controlled density development, and designed and intended for use or enjoyment of the occupants of said development. "Common Open Space" may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development.

Completely Enclosed - Refers to a building or other structure having a roof, and separated on all sides from the adjacent open area or from other buildings or other structures, by exterior walls or party walls, pierced only by windows or entrance and exit doors normally provided for persons, goods or vehicles.

Conditional Use - A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning division or districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as conditional uses, if specific provisions for such use are made in this Ordinance.

Curb Level - The mean of the elevations of the side lot lines extended to the street line.

Designed for Residential Use - A building located in a Residential District which was originally designed for residential use and in which at least twenty-five (25) percent of the floor area is occupied for residential use.

Development Area Per Dwelling Unit - The net amount of lot area of a single zone lot required for each dwelling unit to be placed on the zone lot.

Display Surface Area (of a Sign) - The entire area within a single continuous perimeter enclosing the extreme limits of wording, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In any event, the supports or uprights on which such sign is supported shall not be included in determining the display surface area of a sign.

Dwelling, Attached - A building containing not more than two dwelling units, attached at the side or sides in a series of three or more principal buildings each containing not more than two dwelling units. At points of attachment, such buildings shall be separated from each other by fire walls extending from footings through roofs without openings which would permit the spread of fire from one building to another.

Such buildings shall each have a separate lot with dimensions meeting regulations for the district, or be so located on land in the same ownership that individual lots meeting district requirements could be provided, in which case dimensions of such land shall not be reduced below those required for provisions of separate lots. The term attached dwelling is intended to apply to townhouses, patio or atrium houses, or any form however termed which conforms to this definition.

Dwelling, Mobile Home - A vehicular portable structure designed and constructed in accordance with the requirements of American National Standards Institute Standard A119.1, built on a chassis and designed to be used without a permanent foundation as a place for human habitation when connected to the required utilities and:

- A. is not designed and constructed in accordance with applicable provisions of the adopted housing codes.
- B. does not contain a plumbing system designed and installed to meet the applicable requirements of the adopted plumbing code.

Dwelling, Multi-Family - A building containing three or more dwelling units. The term includes cooperative apartments, condominiums and the like. For the purposes of these regulations, regardless of how rental units are equipped, any multi-family dwelling in which units are available for rental partly on a monthly basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis, shall be considered a semi-transient residential activity.

Dwelling, One-Family - A building containing only one dwelling unit. The term is general, including such specialized forms as one-family detached, one-family semi-detached and one-family attached houses (townhouses, patio and atrium houses, and the like if containing only one family). For regulatory purposes, the term is not to include

mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of portable or temporary housing.

Dwelling, One-Family Detached - A one-family dwelling entirely separated from structures on adjacent lots.

Dwelling, Two-Family - A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling Unit - A room or rooms connected together, constituting a separate independent housekeeping establishment for one-family only, for owner occupancy or for rental, lease, or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking, and sleeping facilities.

Dwelling, Upper Story Residential - Upper story residential means the area of a building above the ground floor (which is above the cellar), which is principally used, designed, or adapted for use by one or more households each of which has separate living quarters.

Family - One person, or two or more persons related by blood, marriage, or adoption together with incidental domestic servants and temporary non-paying guests. The term “family” shall not be construed to include a fraternity, sorority, club, foster home with more than 4 children, or institutional group.

Flood - A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the flood channel.

Flood Channel - A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

Flood Fringe - That portion of the floodplain outside the floodway.

Flood Obstruction - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projections, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, water course, or regulatory flood-hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Floodplain - The land adjacent to a body of water which has been or may be hereafter covered by flood water including but not limited to the regulatory flood.

Flood Profile - A graph or a longitudinal profile showing the relationship of the water-surface elevation of a flood event to location along a stream or river.

Floodproofing - A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood-hazard area.

Flood Protection Elevation - The elevation of the regulatory flood on all streams and waterways.

Flood, Regulatory - (See Regulatory Flood)

Floodway - The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream including but not limited to flood flows associated with the regulatory flood.

Floor Area - The total of the gross horizontal areas of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls, but excluding the following:

- A. Areas used for off-street parking spaces or leading berths and driveways and maneuvering aisles relating thereto where required in this Ordinance.
- B. In the case of non-residential facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

Floor Area Ratio - The total floor area on a zone lot, divided by the lot area of that zone lot. (For example, a building containing twenty thousand (20,000) square feet of floor area on a zone lot of ten thousand (10,000) square feet has a floor area ratio of 2.0). One-Family detached dwellings shall be exempt from the Floor Area Ratio requirement.

Gross Area - An area of land which is inclusive of all land uses and streets, and other public areas located within the development.

Home Occupations - A home occupation is a lawful activity carried on within a dwelling unit by a member or members of the family who occupy the dwelling, with the exception of one additional person, where the occupation is secondary to the use of the dwelling for living purposes, and the residential character of the dwelling is maintained, and the Home Occupation conforms to the development standards.

Household - All the persons occupying the premises and living as a single non-profit housekeeping unit regardless of marital status or relationship as distinguished from a group occupying a lodging house or dormitory or similar type of group use.

Incidental Alterations

- A. Changes or replacements in the non-structural parts of a building or other structure without limitations to the following examples:
1. Alterations of interior partitions to improve livability in a non-conforming residential building, provided that no additional dwelling units are created;
 2. A minor addition to the exterior of a residential building, such as an open porch;
 3. Alterations of interior non-load-bearing partitions in all other types of buildings or other structures;
 4. Replacement of, minor change in, capacity of utility pipes, ducts or conduits; or
- B. Changes or replacements in the structural parts of a building or other structure, limited to the following examples or others of similar character or extent:
1. Making windows or doors in exterior walls;
 2. Replacement of building facades having non-load-bearing capacity;
 3. Strengthening the floor load-bearing capacity, in no more than ten (10) percent of the total floor area, to permit the accommodation of specialized machinery or equipment.

Land With Incidental Improvements - A tract of land which contains improvements including buildings or other structures having a total assessed valuation of five thousand dollars (\$5,000) or less.

Landowner - The legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty (50) years in duration, or other person having an enforceable proprietary interest may be considered a "landowner" for the purpose of this Ordinance.

Landscaping - Shall be integrated into building arrangements, topography, parking, and buffering; shall include the planting and maintenance of trees, shrubs, bushes, hedges, perennials, annuals, and ground cover. The latter shall be comprised of grass, low growing vegetation (eliminating the weed family) not exceeding 12" in height and planted in close proximity to mulch, bark chips, and pea gravel to cover an area that otherwise would have grass or would remain bare. Landscaping items included above shall be native or adaptable to the area's climate. Terraces, walks, decorative fences, fountains,

retaining walls, street furniture, sculptures, gazebos, and similar accessory features may be included as landscaping if integrally designed unless otherwise prohibited by other provisions of this Ordinance. The landscaping, screening, and buffering shall be of such design that shall enhance and protect the existing character of the area. The type of buffering with height shall be stated on the site plan for approval by the planning commission

Landscape Surface Area - Is the area of the site not devoted to streets, drives, buildings or sidewalks and is landscaped as defined in the section entitled Landscaping.

Light Industry - The assembly, fabrication, or processing of goods and materials and excess refuse using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, and where such processes are housed entirely within a building.

Lot - For purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
- D. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

Lot Area - The entire area of a zone lot.

Lot Area Per Dwelling Unit - That portion of the lot area required for each dwelling unit located on a zone lot. This may also be known as the development-area per dwelling unit.

Lot Coverage - That portion of a zone lot which when viewed directly from above, could be covered by a building or any part of a building.

Lot Frontage - The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards.

Lot Line - A boundary of a zone lot.

Lot Line Equivalent - A straight line established for the purpose of determining the location and depth or width of a required yard and which either:

- A. Joins points specified in these regulations, or
- B. Is an extension of a street line or lot line.

Lot Measurements

- A. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- B. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines of each side of the lot, measured across the rear of the required front yard, provided however that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sac, where the eighty (80) percent requirement shall not apply.

Lot of Record - A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types - The diagram (Figure 02-01) in the Appendix which follows illustrates terminology used in this Ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots.

Massage Parlor - An establishment or place primarily in the business of providing massage services.

Master Development Plan - Used within the context of the planned unit development provisions refers to a preliminary plan, which may be approved by the Planning Commission and the Mayor and Aldermen. The “Master Development Plan” shall mean the proposal for the development of a planned unit development including, but not limited to, the requirements for a preliminary plan as stipulated in the various articles of this Ordinance.

Mobile Home - (See Dwelling, Mobile Home)

Mobile Home Park - A development which is designed and constructed to accommodate mobile homes.

Mobile Home Space - A designated area within a mobile home park for the exclusive use of the occupants of a single home.

Mobile Home Stand - That part of an individual mobile home space which has been reserved for the placement of the mobile home.

Non-complying

- A. Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or
- B. Any lawful use other than a non-conforming use, which does not comply with any part of any one (1) or more of the applicable regulations pertinent to:
 - 1. Location along district boundary;
 - 2. Signs; or
 - 3. Accessory off-street parking and loading;

either on the effective date of this Ordinance or as a result of any subsequent amendment.

Non-conforming Use - A lawful use of a building or other structure or of a tract of land which does not conform to any one (1) or more of the applicable use regulations of the district in which it is located, either on the effective date of this Ordinance or as a result of any subsequent amendment.

Overall Density - The dwelling units per gross acre of the total area with a development.

Party Wall - A wall separating two individual dwelling units which are attached at that wall and which is constructed as a fire wall extending from the footings through the roof without openings and would prohibit the spread of fire from one dwelling unit to another.

Person - An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

Personal Services Establishment - A business which provides personal services directly to customers at the site of the business, or which receives goods from or returns goods to the customer which have been treated or processed at another location. This includes, but is not limited to, travel agencies, dry-cleaning and laundry drop-off and pick-up stations, tailors, hair stylists, cosmetician, health and fitness centers, toning or tanning salons, photography studios, and shoe repair shops.

Planned Business Park (PBP) - A tract of at least ten (10) acres occupied by a mix of research, light industry, and support uses, arranged in a high-quality campus-like setting, according to the provision of the PBP District.

Planned Unit Development - A relatively large, interrelated development adhering to a master development plan and located on a single tract of land, or on two (2) or more tracts of land which may be separated only by a street or other right-of-way. A planned unit development shall not include a normal subdivision, but a subdivision may be included as a part of such a development.

Principal Activity - An activity which fulfills a primary function of an establishment, institution, household, or other entity.

Principal Building - A building which contains the principal activity or use located on a zone lot on which it is situated.

Profession (Professional Office) - The term profession, as used in this Ordinance, is not limited in its application to physicians and surgeons, lawyers, members of the clergy, architects, and engineers, or other persons holding advanced degrees from institutions of higher learning in the field in which they practice. The term may also include insurance agents, insurance adjusters, realtors, or any persons engaged in sales or trade which utilize an office environment without display or storage space for goods. In permitting professional offices as home occupations, and only as accessory uses in certain districts, it is intended that such offices shall be subject to limitations placed on home occupations generally, but that only occupied by persons engaged in professions, as herein defined, shall be permitted.

Reach - A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the floodplain where flood heights are primarily controlled by man-made or natural floodplain obstructions or restrictions.

Regulatory Flood - Is the 100-year or "intermediate regional flood" as indicated in the publication, Floodplain Information, East Camp and Town Creeks, Gallatin, Tennessee, Flood Hazard Information, published by the Corps of Engineers, March, 1976, or where no data exists the computed 100-year flood.

Required Yard - That portion of a zone lot that is required by the specific district regulations to be open from the ground to the sky and may contain only explicitly listed obstructions.

Research Laboratories - Facilities which are designed or equipped for basic or applied research or experimental study, testing, or analysis in the natural sciences or engineering, including any educational activities associated with or accessory to such research.

Residence - A building or part of a building containing one (1) or more dwelling units or rooming units, including one-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartment hotels. However, residences do not include:

- A. Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or
- B. Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations, or
- C. Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities, or
- D. In a mixed building, that part of the building used for non-residential uses, except uses accessory to residential use.

Sauna - An establishment or place primarily in the business of providing (a) a steam bath, and (b) massage services.

Screening - Screening shall be incorporated into the landscaping plan; shall serve as a buffer to ameliorate the effect of the project or development on adjacent and nearby properties; shall be of opaque or non-translucent material resistant to deterioration by natural causes or shall be of such plant materials that will provide year-round evergreen screening. Screening shall not be less than four (4) feet high and shall be provided from the finished grade of the property upward and shall be permanently maintained. If plant materials are used, they shall cover a minimum of four (4) feet in width densely planted along the property line, which are of a type which may be expected to form a year-round dense screen at least six (6) feet high within three (3) years. The type of screening shall be stated on the site plan.

Semi-Permanent Residential Establishment - An establishment where lodging is provided for compensation partly on a monthly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis; but excluding institutional living arrangements involving the provision of a specific kind of forced residence, such as nursing homes, orphanages, asylums and prisons.

Setback Line - A line running parallel to the street which establishes the minimum distance the principal building must be setback from the street line.

Sign - Any writing (including letter, word, or numeral); pictorial presentation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner or pennant); inflatable structure; or any other figure or similar character, which:

A. Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure, and

B. Is used to announce, direct attention, or advertise.

Sign, Accessory Business - An accessory sign which directs attention to a profession, business, commodity, service, or entertainment conducted, sold, or offered upon the same zone lot.

Sign, Advertising - A sign which directs attention to a business, protection, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same zone lot.

Sign, Animated - Shall be construed to be a sign that is animated, moving, or rotating, or appears to be animated, moving, or rotating.

Sign, Civic - Identifying the nature of activity and other pertinent information for any community facility or activity.

Sign, Development - Denotes the future facility, architect, engineer, contractor, lending agency, and/or developer on construction sites.

Sign, Direct Illumination - All illuminated signs not included in the definition of “Sign, Luminous Background,” or “Sign, Indirect Illumination.”

Sign, Flashing - Shall be construed to be any sign that flashes or blinks or appears to flash or blink.

Sign, Freestanding - A sign supported by a sign structure secured in the ground and which is wholly independent of any building or object, other than the sign structure for support.

Sign, Illuminated - A sign designed to give forth any artificial light or reflects such light from an artificial source.

Sign, Indirect Illumination - Is any illuminated sign which is either a sign illuminated entirely from an external artificial source or an illuminated sign where all attached or internal artificial sources of illumination are not directly visible and shielded by an opaque material.

Sign, Large Realty - Indicates pertinent information regarding property for sale, lease, or rent.

Sign, Luminous Background - A sign created by transilluminating or backlighting of a translucent plastic or glass panel, or panels of similar material, which may be integrally pigmented, painted, or opaqued.

Sign, Off-premises – A sign that directs attention to a business, commodity, service, activity, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

Sign, On-premises – Any sign identifying or advertising a business, person, activity, goods, products, or services, located on the premises where the sign is installed and maintained.

Sign, Portable – Any sign, by design or construction, intended to be easily and readily relocated, and not permanently affixed to the ground, a frame, a building or other structure. Portable signs shall include, but are not limited to, signs mounted upon a trailer, bench, wheeled carrier, or other non-motorized mobile structure with or without wheels.

Sign, Residential - An accessory sign which indicates the names and/or address of the occupant of a permitted home occupation.

Sign, Small Realty - Indicates pertinent information regarding property for sale, lease, or rent, of not more than six (6) square feet of maximum display surface area, located on the same lot as the facilities advertised thereon, and if not attached to a building, its height not exceeding five (5) feet above finished grade or if attached to a building its height not extending above the roof line (or parapet wall, if any) of such building.

Sign, Wall-mounted –A sign attached to or painted on the exterior wall of a building. Wall-mounted signs shall be mounted in a flat fashion against the building.

Signage - Area in square feet of the continuous perimeter of copy including any wording, numerals, emblems, or representative which is used to announce, direct attention to, or advertise.

Single Ownership - Means a proprietary interest of a landowner as defined herein.

Story - A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:

- A. A basement or cellar if the finished floor level directly above is not more than six (6) feet above the average adjoining elevation of finished.
- B. An attic or similar space under a gable, hip, or gambrel roof, where the wall plates of any exterior walls are not more than two (2) feet above the floor of such space.

Street - A publicly maintained right-of-way, other than an alley, which affords a primary means of access to abutting property.

Street Line - A lot line dividing a lot from an abutting street.

Structure - An object constructed or installed by man, including but not limited to buildings, signs, towers, smokestacks, and overhead transmission lines.

Temporary Signs – A sign, including but not limited to, placards, banners, pennants, posters, or other outdoor advertising displays intended not to be permanently displayed.

Use - The performance of a function or operation which constitutes the use of land.

Use Permit - A written permit issued by the zoning administrator required before occupying or commencing to use any building or other structure or any zone lot; except that an occupancy permit shall not be required for an owner-occupied dwelling.

Window Sign – A sign posted, placed, affixed, or painted on the interior of a window or door of a building exposed to public view. For the purpose of this Ordinance, a temporary sign placed on the interior of a window for viewing from the exterior shall not be counted as a sign.

Yard - That part of a zone lot extending open and unobstructed from the lowest level to the sky along the entire length of a lot line, and from a lot line equivalent to a depth or width set forth in the applicable regulations.

Yard, Front - A yard extending along the full length of a front lot line. In the case of a corner lot, a yard of at least full depth required for a front yard in these regulations, and extending along the full length of a street line shall be considered a front yard. At least one such yard shall be designated for each through lot, and each through corner lot.

Yard, Rear - A yard extending for the full length of a rear lot line.

Yard, Side - A yard extending along a side lot line from the required front yard to the required rear yard. In the case of a corner lot, any yard which abuts a street line and which is not designated a front yard shall be considered a side yard. In the case of a through lot, side yards shall extend between the required front yards, except when such corner lots are required by these regulations specifically to have more than one front yard. A side yard abutting a street shall be twice the required minimum side yard.

Zone or Zoning Lot - Is either:

- A. A lot of record existing on the effective date of this Ordinance or any subsequent amendment, or
- B. A tract of land, either unsubdivided or consisting of two or more contiguous lots of record, located within a single block, which on the effective date of this Ordinance or any subsequent amendment was in single ownership, or
- C. A tract of land within a single block, which at the time of filing for a zoning permit (or, if no zoning permit is required, at the time of filing for a use and occupancy

permit) is designated by its owner or developer as a tract all of which is to be used, developed, or built upon as a unit under single ownership.

A zone lot, therefore, may not coincide with a lot of record as defined herein.

For the purpose of this definition, the ownership of a zone lot shall be deemed to include a lease of not less than fifty (50) years duration as defined under “landowner”.

A zone lot may be divided into two or more zone lots, provided that all resulting zone lots and all buildings thereon shall comply with all of the applicable provisions of the Ordinance. If such lot, however, is occupied by a non-complying building, such zone lot may be subdivided provided such subdivision does not create a new non-compliance or increase the degree of non-compliance of such building.

Zoning Permit: A written permit issued by the zoning administrator and is required before commencing any construction, reconstruction, alteration of any building or other structure or before establishing, extending or changing any activity or use on any zone lot.

ARTICLE 2.00 AMENDMENTS

Section	Ordinance #	Date
02.02, Floor Area Ratio	O0205-025	6/18/02
02.02, Various Sign Definitions	O0308-030	9/16/03